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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,675	02/01/2006	Thierry Dumery	4005-0274PUS1	9208
2292	7590	12/04/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			MARINI, MATTHEW G	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/566,675

Applicant(s)

DUMERY ET AL.

Examiner

Matthew G. Marini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/1/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mowry, Jr et al. (6,167,147) in view of Veldeman et al. (EP1179808).

As for claims 10, 12-16, Mowry, Jr et al. teaches in Col. 11, lines 25-50, a method of making a pattern, the method comprising the steps of: subdividing the pattern, 16, into an array, Col. 11 lines 27-30, comprising a plurality of non-overlapping cells, 30, as seen in Fig. 5; and printing the dots, 36, Col. 7 lines 10-15, as determined in this way in the corresponding cells, of the array, Col. 11 lines 50-53 and for each cell, determining a dot having dimensions no greater than that of the dimensions the cell, Col. 7 lines 59-61. Mowry, Jr et al. fails to teach the pattern being printed with at least two luminescent materials that are visible under ordinary light and with emit radiation of different colors when they are excited for each dot printed in their corresponding cells wherein at least some of the dots emit colors that combined so as to form at least a third color, and having color that is appropriate for the radiation from adjacent dots in combination to reconstitute a corresponding zone of the pattern. Mowry, Jr et al. also fails to teach the luminescent dots being decoded by means of a filter.

Veldeman et al. teaches a document anti- fraud printed surface that contains two inks that when the images are illuminated in normal light ambient the ink display the same color and with a second light wavelength they both emit different color light to each other including an unspecified color being the third paragraph 49 lines 7-14, and as described in the translated abstract of Veldeman et al. (EP1179808), where a system is capable of decoding the dots as described in paragraph 41 of Veldeman et al. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Mowry, Jr. et al. to include in the printing step of Mowry, Jr et al. the two luminescent materials that emit radiation of different colors, including an unspecified color being the third paragraph 49 lines 7-14, when they are excited of Veldeman et al. for each dot printed in their corresponding cells, as described in Mowry, Jr et al., and having color that is appropriate for the radiation from adjacent dots in combination to reconstitute a corresponding zone of the pattern, as described in paragraph 49, lines 7-14 of the machine translation of Veldeman et al. because combining various inks makes it more difficult to reproduce an image, making it more secure, paragraph 21 of the machine translation of Veldeman et al.

As for claim 11, Mowry, Jr et al. remains silent on the cells of the arrays being mutually complementary shapes. However, Veldeman et al. teaches in paragraph 20 of the machine translation of Veldeman et al. the images being concentric band, which inherently are complementary shapes, one fitting inside another. It would have been obvious to one of ordinary skill in the art to print complementary images as described in

Veldeman et al. because in paragraph 20 of the machine translation of Veldeman et al. the network of complementary shapes makes it more difficult to falsify.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mowry, Jr et al. (6,167,147) in view of Veldeman et al. (EP1179808) as applied to claim 10-16 above, and further in view of Rhods (6,427,020).

As for claims 17 and 18 Mowry, Jr et al. and Veldeman et al. teach all that is claimed in the above rejection of claims 10 and 12 except where the luminescent dots disposed as to form a digital watermark suitable for analysis by a digital camera associated with image processing software. Rhods teaches in Col. 20 lines 1-15 a security document apparatus with a visible light optical sensor, similar to a camera, connected to a processor that analyzes a digital watermark imbedded on a document, directly in the pixel domain, Col. 2 lines 32-37. It would have been obvious to one of ordinary skill in the art at the time of invention to further modify Mowry, Jr et al. to include the imbedded digital watermark and camera sensing ability of Rhods because it allows a detecting system to sense the digital watermark and intervene so as to prevent or deter counterfeiting, Col. 2 lines 63-65.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Marini whose telephone number is (571)-272-2676. The examiner can normally be reached on Monday-Friday 8:00 to 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571)-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew Marini

11/22/06


JUDY NGUYEN
SUPERVISORY PATENT EXAMINER